

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------|---|-----------------------------|
| GLENN FRANKLIN HICKS, |) | |
| |) | 2:15cv1606 |
| Petitioner, |) | Electronic Filing |
| |) | |
| v. |) | Judge David Stewart Cercone |
| |) | |
| TAMMY FERGUSON and THE |) | |
| ATTORNEY GENERAL OF THE |) | |
| STATE OF PENNSYLVANIA, |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM ORDER

This case was commenced on December 8, 2015, and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges. On December 21, 2015, Petitioner's motion for leave to proceed in forma pauperis was granted and his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 was filed. (ECF No. 5.)

On August 4, 2016, Magistrate Judge Eddy filed a Report and Recommendation (ECF No. 16) recommending that Respondents' motion to dismiss (ECF No. 15) be granted and the Petition for Writ of Habeas Corpus be dismissed as moot due to Petitioner's death during the pendency of this action. *Keitel v. Mazurkiewicz*, 727 F.3d 278, 280 (3d Cir. 2013). The Report and Recommendation was mailed to Petitioner at his listed address. On August 20, 2016, the unopened envelope was returned to the Court with this notation: "Return to Sender, Not Deliverable as Addressed; Unable to Forward."

After de novo review of the motion to dismiss, together with the Report and Recommendation, the following order is entered:

AND NOW, this th 6 day of September, 2016;

IT IS ORDERED that the Motion to Dismiss is **GRANTED** (ECF No. 15) and the Petition for Writ of Habeas Corpus is **DISMISSED** as moot due to Petitioner's death during the pendency of this action.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 16) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk shall mark this case **CLOSED**.



David Stewart Cercone
United States District Judge

cc: Glenn Franklin Hicks
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SCI Benner Township
301 Institution Drive
Bellefonte, PA 16823
(Via First Class Mail)

Cory J. Schuster, Esquire
Keaton Carr, Esquire
(Via CM/ECF Electronic Mail)